

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ZACHARY JON LINDSAY,

Defendant.

CR 21-36-M-DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto's Findings & Recommendations Regarding Revocation of Supervised Release. (Doc. 71.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto found, based on Defendant Zachary Jon Lindsay's admissions at the hearing, that he violated four conditions of supervised release: (1) the

condition that he abstain from consumption of alcohol; (2) the condition that he not communicate or interact with individuals he knows to have been convicted of a felony without first getting the permission of the probation officer; (3) the condition that he refrain from the unlawful use of a controlled substance; and (4) the condition that he participate in substance abuse testing. (Doc 71.)

Judge DeSoto recommends that this Court revoke Lindsay's supervised release and sentence him to a custodial sentence of four months, followed by 32 months of supervised release. (*Id.*) The Court finds no clear error in Judge DeSoto's Findings and Recommendations and adopts them in full.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendations (Doc. 71) is ADOPTED in full.

Zachary Jon Lindsay shall be sentenced in conformity with Judge DeSoto's recommendation in the judgment filed concurrently with this Order.

DATED this 27th day of December, 2024.



Dana L. Christensen
United States District Court